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Notice of Allowability

Application No.	Applicant(s)	
09/911,519	JAENECKE ET AL.	
Examiner	Art Unit	
Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed 7/18/2005.
2. The allowed claim(s) is/are 1-21.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 9/15/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Cushing on 9/30/05.

2. The abstract should be amended to read as follows:

It is the object of the invention to make available a method of transferring user data packets from a terminal to a mainframe of an S-CDMA point-to-multipoint system, in which the data transfer is optimized. The method includes the steps of a repeated transmission of reference data packets coded with pilot codes for the duration of the connections between terminals and a mainframe, wherein the reference data packets contain previously known information, and the transmission of user data packets coded with communication codes include the user information to be transferred. In a preferred embodiment of the invention the user data packets are coded synchronously in time to the reference data packets, superimposed on these, and then modulated. Each terminal is allocated a pilot code, and at least one communication code.

3. The specification should be amended to read as follows:

In lines 9-10 of page 1: "The invention is based on German priority application 100 38 314.9 which is hereby incorporated by reference."

4. The following claims should be amended to read as follows:

10. The mainframe according to claim 9, said ~~the~~-mainframe being suitable for deriving from the signal of the reference data packet information on the signal quality.

11. The mainframe according to claim 9, comprising a control unit to allocate pilot codes and communication codes to terminals, wherein a pilot code and at least one communication code is assigned by the control unit for each connection of a terminal to the mainframe ~~a pilot code and at least one communication code at least for the duration of the transfer of a user data packet is assigned by the control unit~~.

13. The mainframe according to claim 9, comprising at least one measuring and control unit ~~is~~-provided to measure the signal levels of the received reference data packets and for telemetric regulation of the transmitting levels of the terminals for the reference data packets and/or the user data packets as a function of the measured signal levels.

20. The mainframe of claim 9, wherein the mainframe and the terminal are always synchronized during ~~an~~the entire duration of the connection.

21. The transmitting device of claim 15, wherein the transmitting device is always synchronized to a mainframe during ~~an~~the entire duration of a connection thereto.

Allowable Subject Matter

5. Claims 1-21 are allowed.

6. The following is an Examiner's Statement of Reasons for Allowance:

In interpreting the claims, in light of the specification and the applicant's amendments filed 7/18/2005, the Examiner finds the claimed invention to be patentably distinct from the prior art of record. The prior art does not teach all of the limitations of the independent claim(s) in combination with the other elements presented.

The prior art of record teaches a CDMA packet coding system in which packets are repeatedly encoded with pilot codes through the duration of a connection. Other art in the field general teaches pilot codes encoded in the initial packet transmissions.

However, as per the amended claims, the prior art fails to teach the transmitted user data being encoded using a code different from the primary pilot code. This distinction distinguishes from the prior art in that the user data must be encoded

separately and cannot be contained within the pilot coded data. Therefore the claimed invention is distinct from the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER